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|   |                                    |
|---|------------------------------------|
| <b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED<br/>         UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>   | Docket Number (Optional)<br>3284.1 |
| First named inventor: Eugene Wang   |                                    |
| Application No.: 09/758,872   | Art Unit: 1631                     |
| Filed: January 11, 2001   | Examiner: James Martinell          |
| Title: Computer Software for Genotyping Analysis Using Pattern Recognition  |                                    |
| Attention: Office of Petitions<br><b>Mail Stop Petition</b><br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, VA 22313-1450<br>FAX: (703) 308-6916  |                                    |
| <p style="text-align: center;">NOTE: If information or assistance is needed in completing this form, please contact<br/>         Petitions Information at (703) 305-9282.</p>   |                                    |
| <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.</p>   |                                    |
| <b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b>   |                                    |
| <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</li> <li>(4) Statement that the entire delay was unintentional.</li> </ol>  |                                    |
| <p>1. Petition fee</p> <p><input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity - fee \$ <u>1,330</u> (37 CFR 1.17(m))</p>   |                                    |
| <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):</p> <p style="margin-left: 20px;"><input type="checkbox"/> has been filed previously on _____.</p> <p style="margin-left: 20px;"><input type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee of \$ <u>1,630</u></p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> has been paid previously on <u>March 1, 2004</u>.</p> <p style="margin-left: 20px;"><input type="checkbox"/> is enclosed herewith.</p> |                                    |

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 MAY 11 2004  
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[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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3. Terminal disclaimer with disclaimer fee

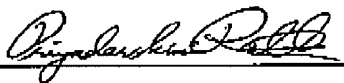
- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

05/11/2004

Date



Signature

Telephone  
 Number: (408) 731-5000

Priyadarshini Rath (Limited. Recog. 37CFR 10.9(b))

Typed or printed name

3380 Central Expressway

Address

Santa Clara, CA 95051

Address

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other : Petition to Withdraw Holding of Abandonment, Copy of Issue Fee Transmittal Form, Copy of sending unit's Report, Certificate of Limited Recognition under 37 CFR 10.9(b)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(A)]

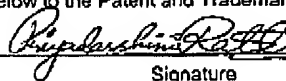
I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

☒ transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 298-6046.  
 872.9306

05/11/2004

Date



Signature

Priyadarshini Rath

Typed or printed name of person signing certificate

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**FEE TRANSMITTAL  
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 1,330**Complete if Known**

Application Number 09/758,872

Filing Date January 11, 2001

First Named Inventor Eugene Wang

Examiner Name James Martinell

Art Unit 1631

Attorney Docket No. 3284.1

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None  
Order☒ Deposit Account:Deposit  
Account  
Number

01-0431

Deposit  
Account  
Name

Affymetrix, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 1001         | 770      | 2001         | 385      | Utility filing fee     |          |
| 1002         | 340      | 2002         | 170      | Design filing fee      |          |
| 1003         | 530      | 2003         | 265      | Plant filing fee       |          |
| 1004         | 770      | 2004         | 385      | Reissue filing fee     |          |
| 1005         | 160      | 2005         | 80       | Provisional filing fee |          |

**SUBTOTAL (1)**

(\$0)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

|                    | Total Claims | Excess Claims | Fee from below | Fee Paid |
|--------------------|--------------|---------------|----------------|----------|
|                    | -20 --       | = 0           | X 18           | = 0      |
| Independent Claims | -3 --        | = 0           | X 86           | = 0      |
| Multiple Dependent |              |               | X              | = 0      |

| Large Entity |          | Small Entity |          | Fee Description  |
|--------------|----------|--------------|----------|--|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |
| 1202         | 18       | 2202         | 9        | Claims in excess of 20                                     |
| 1201         | 86       | 2201         | 43       | Independent claims in excess of 3                          |
| 1203         | 290      | 2203         | 145      | Multiple dependent claim, if not paid                      |
| 1204         | 86       | 2204         | 43       | ** Reissue independent claims over original patent         |
| 1205         | 18       | 2205         | 9        | ** Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2)**

(\$0)

\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 1051         | 130      | 2051         | 65       | Surcharge - late filing fee or oath  |          |
| 1052         | 50       | 2052         | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053         | 130      | 1053         | 130      | Non-English specification  |          |
| 1812         | 2,520    | 1812         | 2,520    | For filing a request for reexamination                                     |          |
| 1804         | 920*     | 1804         | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 1805         | 1,840*   | 1805         | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 1251         | 110      | 2251         | 55       | Extension for reply within first month                                     |          |
| 1252         | 420      | 2252         | 210      | Extension for reply within second month                                    |          |
| 1253         | 950      | 2253         | 475      | Extension for reply within third month                                     |          |
| 1254         | 1,480    | 2254         | 740      | Extension for reply within fourth month                                    |          |
| 1255         | 2,010    | 2255         | 1,005    | Extension for reply within fifth month                                     |          |
| 1401         | 330      | 2401         | 165      | Notice of Appeal   |          |
| 1402         | 330      | 2402         | 165      | Filing a brief in support of an appeal                                     |          |
| 1403         | 280      | 2403         | 145      | Request for oral hearing   |          |
| 1451         | 1,510    | 1451         | 1,510    | Petition to Institute a public use proceeding                              |          |
| 1452         | 110      | 2452         | 55       | Petition to revive - unavoidable   |          |
| 1453         | 1,330    | 2453         | 665      | Petition to revive - unintentional   | 1,330    |
| 1501         | 1,330    | 2501         | 665      | Utility issue fee (or reissue)   |          |
| 1502         | 480      | 2502         | 240      | Design issue fee   |          |
| 1503         | 840      | 2503         | 320      | Plant issue fee  |          |
| 1460         | 130      | 1460         | 130      | Petitions to the Commissioner  |          |
| 1807         | 50       | 1807         | 50       | Processing fee under 37 CFR 1.17 (q)                                       |          |
| 1806         | 180      | 1806         | 180      | Submission of Information Disclosure Stmt                                  |          |
| 8021         | 40       | 8021         | 40       | Recording each patent assignment per property (times number of properties) |          |
| 1809         | 770      | 2809         | 385      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 1810         | 770      | 2810         | 385      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 1801         | 770      | 2801         | 385      | Request for Continued Examination (RCE)                                    |          |
| 1802         | 900      | 1802         | 900      | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$1,330)

**SUBMITTED BY**

Name (Print/Type)

Priyadarshini Rathi

Registration No.  
(Attorney/Agent)Limited Recog.  
(37 CFR 10.5(b))

Telephone

408-731-5000

Signature

*Priyadarshini Rathi*

Date

05/11/2004

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If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2

Serial No.: 09/758,872  
Attorney Docket: 3284.1

**OFFICIAL**  
**PATENT**

Attorney Docket No. 3284.1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Applicants: Wang et. al.

Examiner: James Martinell

Serial No: 09/758,872

Group Art Unit: 1631

Filing Date: January 11, 2001

Title: **Computer Software for Genotyping  
Analysis Using Pattern Recognition**

Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Sir:

In reply to the Notice of Abandonment mailed April 26, 2004, Applicants respectfully petition the Commissioner under 37 CFR §1.181 to withdraw the holding of abandonment for the above-referenced application.

Applicants respectfully submit that they had filed the Issue Fee Transmittal Form by facsimile on March 1<sup>st</sup> 2004, within the stipulated 3-month deadline to respond to the Notice of Allowance. Applicants further submit that they relied on the sending unit's report, confirming successful transmission of the Form, as evidence of receipt by the Office. Applicants hereby enclose the following papers as evidence of timely payment of the issue fee and publication fee for the subject application.

Serial No.: 09/758,872  
Attorney Docket: 3284.1

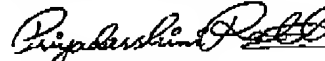
1. A copy of the Issue Fee Transmittal Form bearing a signed certificate of facsimile transmission
2. A copy of the sending unit's report confirming transmission of the Form

For the above reasons, Applicants respectfully request the Commissioner to grant their petition.

The undersigned may be contacted at (408) 731-5000 for any questions pertaining to this Petition or Application.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account 01-0431.

Respectfully submitted,



Priyadarshini Rath

Limited Recognition under 37 CFR 10.9(b)

Dated: May 11, 2004

Customer No. 22886  
Legal Department  
Affymetrix, Inc.  
3380 Central Expressway  
Santa Clara, CA 95051  
Tel: 408/731-5000  
Fax: 408/731-5392